

7-31-06

I7



Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/840181-Conf. #7499
		Filing Date	May 5, 2004
		First Named Inventor	Steve A. HERWECK
		Art Unit	3761
		Examiner Name	Michael G. Bogart
Total Number of Pages in This Submission		Attorney Docket Number	ATA-395

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Sean D. Detweiler		
Date	July 28, 2006	Reg. No.	42,482

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:
Steve A. Herweck

Application No.: 10/840181

Confirmation No.: 7499

Filed: May 5, 2004

Art Unit: 3761

For: MEDICATED INK MARKER

Examiner: Michael G. Bogart

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed June 29, 2006.

The Examiner has required restriction between the following inventions in the above-identified application:

- I. Claims 1-14, drawn to a medicated ink marker, classified in class 604, subclass 309; and
- II. Claims 15-28, drawn to method of applying a medicated agent to a targeted location, classified in class 604, subclass 290.

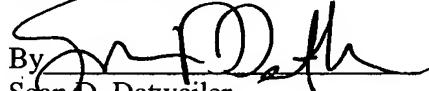
Accordingly, Applicant(s) hereby elect(s) Group I, Claims 1 - 14 relating to a medicated ink marker.

Applicants expressly reserve the right to file at a later date one or more divisional applications under 35 U.S.C. §121, directed to the subject matter of any canceled claims.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080 under the docket number ATA-395. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: July 28, 2006

Respectfully submitted,

By 
Sean D. Detweiler
Registration No.: 42,482
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant